



SENATE BILL 660: Regulate Dissemination of Booking Photograph.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 21, 2021
Introduced by:	Sens. Lazzara, Britt, Nickel	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 660 would regulate the publication and removal of booking photographs.*

BILL ANALYSIS AND CURRENT LAW:

G.S. 132-1 provides generally, that any records held by a public entity are public records. Booking photos are not listed in any exception to the public records requirement.

Section 1 of Senate Bill 660 would do the following:

- Define terms.
- Prohibit a law enforcement agency from providing a copy of a booking photo under certain circumstances.
- Require a statement, at the penalty of perjury, that the photo is not being requested for a publication or website that requires payment to remove the photo.
- Require removal of the photo from the website or publication under certain circumstances.
- Provides that a publication or website that seeks payment for removal of a booking photo, constitutes extortion.
- Allows a fee of up to \$50.00 to remove a booking photo from a publication or website.
- Creates a civil action for failure to remove a publication or booking photo.

Section 2 of Senate Bill 660 would make a conforming change to the existing law prohibiting dissemination of certain criminal history information.

G.S. 132-1.4(a) provides that "records of criminal investigations" are not public records.

G.S. 132-1.4(c)(2) requires that the "name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicted" are public records.

Section 3 of Senate Bill 660 would allow a booking photo to be released if there was a related conviction, law enforcement needs to disseminate the photo for apprehension of a fugitive, or the release is ordered by the court.

Section 4 of Senate Bill 660 directs the alphabetical organization of definitions amended in Section 3.

EFFECTIVE DATE: Subsections (b) and (c) of G.S. 15A-502.01, as enacted by Section 1 of this act, become effective October 1, 2021, and apply to photographs taken on or after that date. The remainder of this act becomes effective October 1, 2021.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578